

Exhibit E

Page 1

1 UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF NEW YORK
3 Case No. 1:21-cv-05523(MKB)(PK)

4 - - - - -x

STATE FARM MUTUAL AUTOMOBILE :
INSURANCE COMPANY, et al, :

5 Plaintiffs, :

6 - vs - :

7 METRO PAIN SPECIALISTS P.C., et al, :

8 Defendants.:

9 - - - - -x

10 August 29, 2024

9:31 a.m.

11 50 Rockefeller Plaza
New York, NY

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19
20 VIDEOTAPED and VIRTUAL DEPOSITION UPON
21 ORAL EXAMINATION OF ISAIAS BARRERA PEREZ, held at
22 the above-mentioned time and place, before Randi
23 Friedman, a Registered Professional Reporter,
24 within and for the State of New York.
25

1 APPEARANCES:

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(Appearances continued.)

(Appearances continued.)

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* * *

ALSO PRESENT:

Dev Write - Videographer

1 A No.

2 Q You hadn't been paid for four weeks
3 and you couldn't pay your workers for four weeks?

4 A Yeah. No problem. No problem at all.

5 Q Did you pay your workers every week?

6 A Yes.

7 Q How did you pay your workers?

8 A By check and cash.

9 Q But if you were underpaid by
10 \$121,000.00, how did you continue to cover your
11 expenses and your payments to those workers?

12 A With my credit cards.

13 Q You paid your workers with credit
14 cards?

15 A No. I have some money saved. Plus,
16 what we had in the bank, I covered the weeks I
17 can cover. For the rest, I wait until I get
18 paid. Until he pays.

19 Q Do you have any communications in your
20 possession where you would have asked Nazar for
21 \$121,000.00 in backpay?

22 A Yeah, I sent messages to him to pay me
23 the money that he owes me.

24 Q How did you send messages?

25 A By phone.

1 Q You sent him a text message?

2 A Yeah.

3 Q Would you be willing to produce those
4 text messages to us?

5 A The ones I can recover, yeah.

6 (Plaintiffs' Exhibit 178 was
7 marked.)

8 Q The court reporter just handed you
9 Exhibit 178. These are four checks issued from a
10 company, Expedited Services to BIP Services.
11 Three of the checks are dated June 1st.

12 The last check is dated June 2nd,
13 2022; do you see that?

14 A Yes.

15 Q Do you know who owns Expedited
16 Services?

17 A I don't know, but Nazar gave me these
18 checks.

19 Q Do you recognize the signature that's
20 on the -- each of the checks that are issued
21 here?

22 A No.

23 Q Did you provide or did BIP provide any
24 services to Expedited?

25 A No.

1 Q If you look at the checks, do you see
2 that the checks are all sequentially numbered
3 beginning 1210 ending in 1213? The checks all
4 appear to be issued on the same day.

5 Do you know whether you were handed
6 these four checks at the same time by Nazar?

7 A Yes.

8 Q Do you recall why Nazar handed you
9 these four checks?

10 A I don't remember. I don't remember.

11 Q If you look at the top of Pages 1 and
12 2, you can see that the first two checks, Check
13 No. 1212 and Check No. 1210 were cashed on
14 June 3rd, 2022.

15 Those two checks together total over
16 \$48,000.00; do you see that?

17 A Yes.

18 Q And do you see that four days later,
19 the next two checks were cashed on June 7th, and
20 those two checks total over 30,000 -- over
21 60,000 -- sorry -- over \$50,000.00?

22 A Yes.

23 Q You don't recall what these checks
24 were for?

25 A No, I don't remember.

1 Q Are there any documents supporting why
2 these payments were made to BIP Services?

3 A No.

4 Q Why did you split up these checks and
5 cash them on different days like this?

6 A Because those were the days they were
7 given to me.

8 Q You cashed over \$50,000.00 in checks
9 on June 7th. I think we just discussed you had
10 never cashed more than \$30,000.00 in checks on
11 any one day.

12 A I cashed one each day. I didn't cash
13 two in the one day.

14 Q If you look on the backs of the checks
15 on Pages 1 through 4 of this exhibit, it
16 indicates that the first two checks were cashed
17 on June 3rd, and that the second two checks were
18 cashed on June 7th at the same location.

19 And I believe that that is your
20 signature on the back of all these checks; is it
21 not?

22 A Yeah.

23 Q So on June 7th, you would have cashed
24 more than \$50,000.00 in checks in a single
25 transaction?

1 A I don't remember, but I did cash these
2 checks, yeah.

3 Q Do you know what you would have done
4 with these checks after you cashed them?

5 A I gave away the money. I gave the
6 money.

7 Q Who did you give the money to?

8 A Nazar.

9 Q You gave the money back to Nazar?

10 A Yeah.

11 Q So these four checks you took to the
12 check-cashing location, and afterwards you handed
13 the money to Nazar?

14 A Yeah.

15 Q Did Nazar go to the check-cashing
16 location with you?

17 A No.

18 Q Where did you take the money to give
19 it to Nazar?

20 A On the street.

21 Q On the street outside of the
22 check-cashing location?

23 A No. It was on another location.

24 Q Do you remember the location where you
25 handed him the money?

1 A It was near by a restaurant.

2 Q Do you remember, was it in one of the
3 five boroughs? Was it in New York? Was it in
4 New Jersey?

5 A I think it was in Jersey City.

6 Q So Nazar issued you these checks and
7 asked you to cash them for him, and asked you to
8 hand him the cash afterward?

9 A Yeah.

10 Q Had Nazar ever before asked you to
11 cash checks for him?

12 A No. Only this location.

13 Q Did Nazar tell you why he need to cash
14 these checks for him?

15 A No.

16 Q Is there any reason Nazar can't cash
17 these checks himself?

18 A The truth, I don't know.

19 Q We can set aside Exhibit 178.

20 MR. COOK: This will be Exhibit
21 179.

22 (Plaintiffs' Exhibit 179 was
23 marked.)

24 BY MR. COOK:

25 Q The court reporter has just handed you

1 Exhibit 179. The first page of the exhibit,
2 these are all payments from Expedited Services.
3 The payments are dated between June 10 and
4 June 12, 2022. Each of the checks is for
5 \$25,000.00, and all of the checks are cashed at
6 the Jersey City check-cashing location; do you
7 see that?

8 A Yeah.

9 Q That's your signature on the back of
10 all these checks?

11 A Yes.

12 Q So you cashed all of these checks?

13 A Wait. It was on that time. And this
14 time, Nazar asked me to do it, but it was on the
15 same day. The same day.

16 Q I'm sorry. I want to start over.

17 So Exhibit 178, Nazar asked you to
18 cash these checks for him, and you handed him
19 this cash after you cashed these checks; is that
20 correct?

21 A Yes.

22 Q And the checks on Exhibit 179, did
23 Nazar also ask you to cash these checks for him?

24 A Yes.

25 Q And he asked you to deliver him this

1 cash after you cashed the checks?

2 A Yes.

3 Q And on June 13th, 2022, after you
4 cashed these two checks for \$50,000.00, you met
5 Nazar and you handed him \$50,000.00?

6 A Yes.

7 Q And on June 14th, the very next day,
8 you cashed \$50,000.00 in checks from Expedited
9 Services, and then you met Nazar and handed him
10 \$50,000.00?

11 A Yes.

12 Q Did you meet Nazar at the same
13 location for all of the money that you handed him
14 for the checks in 178 and 179?

15 A No.

16 Q You met him at different locations?

17 A Yes.

18 Q Did you ever meet him at Hudson
19 Regional Hospital?

20 A No. No.

21 Q Do you recall any of the locations
22 where you met Nazar to give him this money?

23 A The first time, I remember it was
24 across from a restaurant. The second one in a
25 parking lot.

1 Q The third or the fourth time, do you
2 remember those locations?

3 A No, but I did give it to him. I don't
4 remember where the location was, but I did give
5 it to his hands.

6 Q You handed Burak, Nazar Burak, close
7 to \$200,000.00 over a two-week period in cash.

8 A Yes.

9 Q And he never said for any of the
10 checks in Exhibits 178 to 179, why needed you to
11 cash these checks; correct?

12 A No.

13 Q You were just doing him a favor?

14 A Yeah.

15 Q Did he give you anything in return for
16 cashing these checks?

17 A No. He only paid the fee.

18 Q The fee is taken out of the check at
19 the time that you cash it; correct?

20 A Correct.

21 (Plaintiffs' Exhibit 180 was
22 marked.)

23 Q Exhibit 180 consists of two checks to
24 BIP Services. The first check is from Spetsnaz
25 dated February 14th, 2022. And the second check

1 is from Lestat dated March 10, 2022.

2 Do you see these checks?

3 A Yes.

4 Q The check from Spetsnaz to BIP
5 Services on February 14th is in the amount of
6 \$39,350.00; do you see that?

7 A Yes.

8 Q You see in the Memo line or the For
9 line it states, "3D and 26 Glen?

10 A Yes.

11 Q Does that mean anything to you?

12 A No.

13 Q That wasn't for work that BIP Services
14 performed at 26 Glen?

15 A No, because that's not my signature.

16 Q Whose signature is that?

17 A I think it's Araceli's. I'm not sure.

18 Q Do you know who owns Spetsnaz LLC?

19 A No.

20 Q Do you see the signature on the front
21 of the check for Spetsnaz?

22 A Yes.

23 Q Can you pick up Exhibit 179 and look
24 at the signature on the front of the check for
25 Expedited Services?

1 A They're the same.

2 Q Does that refresh your recollection on
3 who owns Spetsnaz?

4 A No.

5 Q You have no understanding of what the
6 \$39,350.00 paid to BIP Services by Spetsnaz was
7 for?

8 A No.

9 Q Turning to the second page of the
10 exhibit, it's the check from Lestat Corp. to BIP
11 Services on March 10, 2022 for \$50,000.00.

12 A Okay.

13 Q Do you see that's your signature on
14 the back of that check?

15 A Yeah.

16 Q Do you have any recollection of what
17 this check is for?

18 A No.

19 Q Do you know, are you familiar with the
20 company, Lestat Corp.?

21 A No.

22 Q If I told you that Nazar Burak owns
23 Lestat Corp., would that refresh your
24 recollection on this 50,000-dollar payment to BIP
25 Services?

1 A No, I don't know.

2 Q Do you recall whether in March of
3 2022, you cashed a check for \$50,000.00 and
4 handed the cash to Nazar Burak?

5 A No.

6 Q You don't remember?

7 A No.

8 Q So it's possible that on -- in
9 March 2022, you cashed this check for \$50,000.00
10 and handed that money to Burak?

11 A I don't remember. I don't remember
12 nothing of that -- of this. Nothing of this.

13 Q On Page 1, I know Araceli -- you think
14 you believe that may be Araceli's signature on
15 the back of the check.

16 Are you aware of Araceli ever cashing
17 checks for Nazar Burak and handing him the cash?

18 A No, because they don't have
19 communication.

20 Q What would Araceli have done with this
21 \$39,350.00 that she received from Spetsnaz?

22 A I need to see it. I never saw this
23 check.

24 Q I believe you testified earlier that
25 Nazar handed you all of the checks for the work

1 that BIP Services performed.

2 Does it provide you concern that you
3 don't recognize this check?

4 A Now I'm worried, because I don't know
5 this company. I'm not sure.

6 Q I assume you're not aware of any
7 records that would support any services provided
8 by BIP in exchange for the payments on Exhibit
9 180?

10 A No.

11 (Plaintiffs' Exhibit 181 was
12 marked.)

13 Q The court reporter has just handed you
14 Exhibit 181. This is a check from ELP Services
15 LLC to North Sky Renovation dated March 8th, 2024
16 in the amount of \$39,500.00; do you see that?

17 A Yes.

18 Q Is that your signature on the back of
19 the check?

20 A Yes.

21 Q Do you see this check was cashed at
22 NYC Credit & Funding on March 13th, 2024?

23 A Yes. It covered all those invoices.

24 Q Do you know who owns ELP Services?

25 A No.

1 Q The invoices that are listed here, you
2 believe those -- what do those invoices relate
3 to; do you know?

4 A I don't remember.

5 Q Burak would have given you this check?

6 A Yes.

7 Q If I told you that ELP Services was
8 owned by Nazar Burak, would that refresh your
9 recollection on why it issued you this check for
10 \$39,500.00?

11 A No, I don't know. He might be the
12 owner, but it covered these invoices. I don't
13 know.

14 Q Do you know who these invoices were
15 issued to by North Sky?

16 A Nazar. Nazar. They all have our
17 invoices.

18 Q But for work performed at what
19 location for what entities?

20 A I don't remember. 'Cause I sent the
21 invoices to Nazar. And I don't know if he passes
22 it to another person, but they covered my
23 invoices. I don't know.

24 Q Are you aware of any documents that
25 would reflect any services rendered in exchange

1 for this payment in Exhibit 181?

2 A No.

3 Q We're done with that one.

4 (Plaintiffs' Exhibit 182 was
5 marked.)

6 The court reporter has just handed you
7 Exhibit 182. This is a collection of payments
8 from Impact Sports Club that were then cashed by
9 North Sky Renovations; do you see that?

10 A Yes.

11 Q Do you know who owns North Sky
12 Renovation -- excuse me.

13 Do you know who owns Impact Sports
14 Club?

15 A I repeat again, Nazar sends us to
16 work, and he is the one who gives us the check --
17 the checks.

18 Q Are you familiar with a company called
19 Impact Sports Club?

20 A Yeah, it's a gym.

21 Q Where is the gym located?

22 A 1565 Woodhaven Boulevard.

23 Q What work did North Sky provide for
24 Impact Sports Club?

25 A Cleaning. Painting. Sheetrock

1 installation. Removing some walls. All that.

2 Q Contained within this Exhibit 182,
3 there are 11 checks totaling \$176,220.00.

4 A Yes.

5 Q Other than these payments and any
6 invoices that might have been issued on these
7 payments, are there any documents supporting the
8 services that were rendered in exchange for these
9 payments?

10 A Only the invoices.

11 Q The first check is for \$41,250.00, and
12 in the For line, it states "Labor."

13 Do you know whether an invoice was
14 created for this payment?

15 A I think so, but I only need to see the
16 days we worked with respect to the date here on
17 top.

18 Q All of this work was performed for
19 Nazar Burak; correct?

20 A Not for him. He would send us,
21 because --

22 MR. INTERPRETER: Referring to the
23 memo.

24 BY MR. COOK:

25 Q Nazar hired you to perform this work;